

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

IRVING SPOTTED EAGLE, JR.,

Defendant.

CR-12-35-GF-BMM

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
MAGISTRATE JUDGE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 15, 2015. (Doc. 80). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Strong's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Spotted Eagle admitted to having violated special condition 6 of his supervised release by consuming alcohol. (Doc. 80). Judge Johnston found Spotted Eagle's admission sufficient to establish a supervised release violation. Judge Johnston recommends that this Court revoke Spotted Eagle's supervised release. Judge Johnston further recommends that the Court sentence Spotted Eagle to 6 months imprisonment. In consideration of the joint recommendation made by the parties at the hearing, Judge Johnston recommends that no term of supervised release follow Spotted Eagle's term of imprisonment.

Spotted Eagle's criminal history category is I, the current offense is a Grade C violation, and the underlying offense is a Class C felony. The statutory range is a maximum of 24 months in custody followed by a term of supervised release up to 36 months, less any custody time imposed. The guideline range is 3 to 9 months in custody and up to 13 months supervised release, less any custody time imposed.

This Court finds no clear error in Judge Johnston's Findings and Recommendations and adopts them in full. Spotted Eagle admitted that he violated special condition of his supervised release by consuming alcohol. The Court now has revoked Spotted Eagle's supervised release three times. A sentence of 6 months imprisonment with no period of supervised release to follow is appropriate.

IT IS HEREBY ORDERED that the Findings and Recommendations (Doc. 80) is ADOPTED IN FULL and Judgment shall be entered accordingly.

DATED this 2nd day of February, 2015.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris
United States District Court Judge